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Refugee Reports

A News Service of the U.S. Committee for Refugees
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U.S. SET TO JUDGE ALL SOVIET REFUGEE CLAIMS IN MOSCOW, 50,000 PLACES FOR SOVIET REFUGEE ADMISSIONS REQUESTED

"The Russians Are Coming, The Russians Are Coming" could have been the subtitle for the FY 1990 consultations between Congress and the Administration, as discussion about the numbers of Soviets to be admitted as refugees and the method for processing and funding their admission to the United States dominated all other subjects.

In the midst of consultations on the number of refugees to be admitted to the United States in FY 90, the Administration unveiled its plan to terminate the Rome-Vienna pipeline of Soviet emigration and to begin all refugee processing out of the U.S. embassy in Moscow. In addition to both the House and Senate consultations on refugee numbers, an additional joint hearing of the House Subcommittees on Europe and the Middle East and Immigration, Refugees, and International Law reviewed the Administration plan.

The Administration requested 50,000 refugee places for the Soviet Union, compared to estimated actual admissions of less than 37,000 Soviets this year. Less than 800 Soviet refugees were admitted as recently as FY 86.

The Administration's request for a worldwide refugee admissions ceiling of 125,000 exceeds by nearly 20,000 the estimated refugee admissions for the current year, and is almost 49,000 higher than the FY 88 level of about 76,000 refugees. This year, the Administration expects to admit 106,600 refugees. The last time the United States admitted more than 100,000 refugees in a single year was in FY 81, during the peak of the Southeast Asian refugee flow.

However, funding of FY 90 admissions remains a sticking point. The budget submitted earlier in the year anticipated 84,000 refugee places. Although 14,000 of the requested FY 90 admissions numbers are unfunded (10,000 of the 50,000 Soviet admissions places, and 4,000 "unallocated reserve") and are anticipated to be met through private sector funding, another 27,000 admissions numbers that would likely require federal funding have not been included in the Administration's budget. The State Department estimates the cost to close the funding gap to be $58

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million. And this does not account for domestic resettlement costs, which appear to fall increasingly on state and local governments.

Soviet Refugees to be Processed from within the USSR Deputy Secretary of State Lawrence S. Eagleburger told the Senate Subcommittee on Immigration and Refugee Affairs that the system of processing Soviet refugees through Vienna and Rome is costly and cumbersome. Estimating the cost of care and maintenance of refugees in Rome in FY 89 alone at $34 million, Eagleburger said, "It is important that we institute a policy which ensures that no one leaves the Soviet Union in the future with false expectations as to the U.S. immigration laws and resettlement commitments."

Starting October 1, he said, Soviets seeking admission to the United States will be required to apply at the U.S. embassy in Moscow. After that date, emigres leaving the USSR with Israeli visas "will be assumed to have left the Soviet Union with the intention of emigrating to Israel; they will not be eligible to apply in a third country for refugee admission to the United States."

This is a major departure from current practice, under which some 90 percent of the Soviet Jewish emigres leaving with Israeli visas change destination from Israel to the United States after arriving in Vienna.

Eagleburger estimated a backlog that "may be well over 30,000...already in the pipeline as of October 1." He said that these people would be adjudicated according to current procedures and that they would be the first beneficiaries of the 50,000 admissions numbers for FY 90.

In other testimony, the General Accounting Office reported that the number of refugee applicants backlogged at the U.S. embassy in Moscow had reached an estimated 41,600 by the end of August. Another 30,000 are estimated to be ready to apply in Moscow, but not yet permitted to do so.

Under questioning, Ambassador Princeton N. Lyman, director of the Bureau for Refugee Programs at the Department of State, estimated that it would take about nine or ten months to work through the current Moscow backlog, assuming 4,000 cases could be processed per month. "Their waiting time could be substantially longer," Lyman conceded, even after they have been approved as eligible refugees because of the limit on refugee numbers that can be admitted.

"It is our assessment," said Lyman, "that the backlog in Vienna and Rome and the people who are already pending in Moscow will use up most if not all" of the the 50,000 admissions places for FY 90.

"In reality, for FY 90, we are saying no new applications," said Rep. Howard L. Berman (D-Cal.). "The only proper thing for the Administration to do is to hang a sign on the door in Moscow that says, 'For 1990, Soviet refugees need not apply.'"

In a sense, that's what the United States is doing. Said Lyman, "We want the people in Moscow to know where they fall in the priorities, what the time frame is, to know where they stand so they do not need to leave their jobs" before applying to leave.

The Administration plan would avoid any further build up of Soviet Jewish emigres who have been denied refugee status--now numbering about 5,000--in Ladispoli, a suburb of Rome, where they are waiting and weighing their alternatives.

A Soviet emigre denied refugee status in Rome has already left the USSR. Although denied refugee status for admission under the U.S. refugee program, such persons have the option of entering the United States under the Attorney General's parole authority (but without refugee benefits) or of immigrating to Israel (most left the USSR with Israeli visas). After saying that Soviet emigres denied refugee status in Rome can "go to Israel," the newly appointed U.S. Coordinator for Refugee Affairs, Ambassador Jewel S. LaFontant, made perhaps the most controversial single remark of the consultations, when she added, "Of course, they can always return to Russia. In these days of glasnost, that's not an impossible thing."

LaFontant later said the statement was taken out of context, and that the option of return to the Soviet Union was meant as a hypothetical response and not suggested as an alternative favored by the U.S. government.

But, LaFontant did testify that sanctions against Soviet citizens seeking to emigrate "have almost disappeared." She said that they are no longer deprived of jobs or housing before being issued a U.S. visa.

Under the plan for processing all appli-

FY 89 AND PROPOSED FY 90 REFUGEE ADMISSIONS

	FY 89 AUTHORIZED LEVELS	FY 89 ESTIMATED ARRIVALS	FY 90 PROPOSED CEILING
Africa	2,000	1,700	3,000
East Asia			
First Asylum	28,000	28,000	25,000
Orderly Departure Program*	22,000	20,000	26,500
Eastern Europe and the Soviet Union	50,000	45,000	56,500**
Latin America and the Caribbean	3,500	3,300	3,500
Near East and South Asia	7,000	7,000	6,500
TOTALS	112,500	105,950	121,000
Unallocated Numbers*** (Private Sector)	4,000	1,600	4,000
TOTAL	116,500	106,600	125,000

* *Includes Amerasian immigrants*
** *Includes 10,000 privately funded admissions.*
*** *Of the 125,000 admissions places proposed, 121,000 are allocated by region. In addition, the proposed ceiling includes an unfunded, unallocated reserve of 4,000 numbers, the use of which is contingent upon the availability of private funding.*

cations out of Moscow, the prospect of people left in limbo in third countries would be obviated. According to the GAO, almost 90 percent of the Soviets submitting refugee applications in Moscow have not applied to Soviet authorities for exit permission. The Moscow plan would allow them to ascertain their chances before requesting an exit permit.

If a refugee admissions space is not forthcoming--and from the way the backlog is shaping up, it doesn't look very promising for new applicants in FY 90--the person would not have burned his bridges behind him, as have the refuseniks of the past.

Chairman of the House Subcommittee on Immigration, Refugees, and International Law, Bruce A. Morrison (D-Conn.) observed that while it may be more humane to tell a person who has no chance that he has no chance, it would be even more humane to actually give him a real chance.

Congress Scrutinizes Moscow Plan Morrison and other Congressmen subjected the Administration witnesses to detailed questioning about the Moscow processing plan. They discovered considerable confusion about a plan that was due for implementation a mere 17 days away from the time of the hearing.

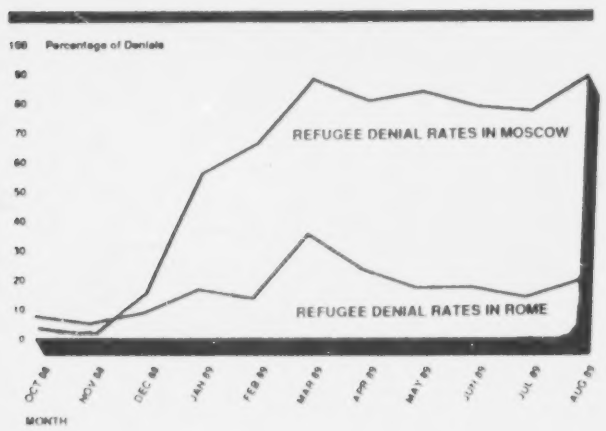
The government witnesses could not provide specifics on several aspects of the plan, including the questions on the form provided to applicants in Moscow, the process by which the application forms would be reviewed in Washington, and the staffing of the program.

Government witnesses stated that all persons denied refugee status in Moscow, as well as Rome, would be given the option of parole to enter the United States.

Morrison declared that "there is no statutory authority for parole admission of nonrefugees." He said, "You're in the only place the statute doesn't cover. It's truly amazing."

People deemed to be refugees will be placed on long lists waiting for their num-

REFUGEE DENIAL RATES IN MOSCOW AND ROME



INS decisions on motions to reconsider denied cases are not included in the monthly denial rates for Rome. As of 8/31/89, INS had reviewed 1,814 initially denied cases and had approved 774 (43 percent) as refugees.

From October 1, 1988 to August 31, 1989, 14.5 percent of refugee claims in Rome were denied (including decisions on motions to reconsider initially denied claims). By contrast, 73.6 percent of refugee claims were denied in Moscow at that same time.

In November 1988, no cases were adjudicated in Moscow

Source: U.S. General Accounting Office

ber to come up, he said. Those without family ties to the United States will be placed even farther back. But those denied refugee status would be allowed to leave immediately for the United States "on their own ticket" under humanitarian parole, as the plan was outlined by Administration witnesses.

Rep. Lawrence Smith (D-Fla.) subjected the witnesses to intense questioning about the number of cases INS estimates it will be able to process out of Moscow. The INS plan calls for six adjudicators. Current estimates of the number of new applicants for FY 90 range as high as 200,000. The INS projects that the six adjudicators would interview 4,000 per month.

Gerald L. Coyle, INS chief of staff, said, "One person can process 50 cases a day." He added that "most of the cases are obvious. It only takes two to three minutes if the person has a well-founded fear of persecution."

Smith responded, "Is this a bakery or the INS?" Calling the numbers "absurd," Smith lashed out at the new policy. "What kind of logic prompts that?--To close other processing down without an alternative in place." He said that "we're going to look like a laughingstock to the Soviets."

Morrison produced statistics showing that 40 INS adjudicators within the United States in FY 88 made a total of 14,000 grants and denials for the entire year. He requested that the INS apply the "magic" it planned to use in Moscow to "clear the asylum backlog here in the United States," where tens of thousands of Central Americans are in detention or paroled out pending asylum adjudication.

Denial Rates and Lack of Representation

Rep. Eliot L. Engel (D-NY), calling the plan "harebrained" and the situation "disgraceful," questioned the fluctuations in denial rates and the discrepancies between denial rates of applicants in Rome and Moscow. For example, during the first six months of FY 89, the denial rates in Rome varied from less than 10 percent in the first quarter to more than 35 percent in March. Then, he noted that denial rates tended to fluctuate wildly, but always averaged out to about 20 percent, suggesting, he intimated, that a 20 percent "quota" on denials might have been informally agreed upon within the INS.

He also pointed out that in Moscow the denial rate varied from 54 percent in January to 87 percent in March.

Coyle denied that there was a quota on approval rates. He said that it is normal for such rates to vary and said that the INS had concealed weekly tallies of those rates because they were afraid that the fluctuations would be misinterpreted.

A private witness, Karl Zukerman, executive vice president of the Hebrew Immigrant Aid Society (HIAS), testified, "Despite sworn testimony from the INS to the contrary, all evidence points to a directive requiring a denial rate of about 20 percent outside of Moscow."

At one point in the hearings, Rep. Benjamin Gilman (R-N.Y.), chairman of a

congressional task force on Soviet emigration, said that Eagleburger had earlier told the task force that "the denial rate would go down to 10 percent," but that since that time it had instead gone up.

Questions were also raised about why nearly half of initially denied cases in Rome are overturned on review (43 percent, according to the GAO). LaFontant said that denied applicants in Rome are able to seek the advice of HIAS and to bring additional evidence to bolster their cases. She said that many were not aware at the time of their first interview of the standards that needed to be met to be eligible for refugee status. "When I talked to the HIAS people in Rome," she said, "I said to them that I did not feel that the applicants who went before the INS knew how to present their cases properly. They were at a loss as to what to say. They could not prove that they were actually persecuted." She said that half were overturned on appeal due to the professional assistance of HIAS.

Engels said that the high approval rate on appeal proved his point that denial rates are arbitrary and capricious, and that applicants will have reduced opportunity to establish their cases when processing shifts to Moscow due to the absence there of HIAS or other voluntary agencies.

Drawing a Line in the Sand While the plan itself drew fire from both Democrats and Republicans, Morrison was especially critical about the lack of consultation prior to the announcement of the Moscow processing plan.

"This change in policy, despite repeated requests, has never been discussed with this subcommittee, and I don't know who in Congress it was discussed with," he said.

After learning that the President has signed a Determination to enact the plan, Morrison accused the Administration of drawing battle lines over the issue. "The only way to change a Presidential Determination is to pass legislation," he said. "You have drawn a line in the sand. You know there has been a tremendous concern here about this whole question. Now you're telling me that the President has taken sides and has drawn a position."

Morrison said, "I don't think the President has been well served by taking it to his level without consultations with the legislative branch. That was a very foolish thing to do."

Morrison indicated that he was in no mood to back away from the legislation he had introduced (H.R. 2022) giving a presumption of refugee status eligibility to certain groups of Soviets, Poles, and Indochinese. That bill passed the House in July by a vote of 358-44, and a similar measure, though less far-reaching, has passed the Senate as the "Lautenberg Amendment" (see Refugee Reports, Vol. X, No. 7).

By the same token, he showed little forbearance for attempts by Administration witnesses to introduce their favored legislative approach into the discussion. The Administration is pushing for H.R. 2646, introduced by Rep. Lamar Smith (R-Tex.), which would establish a new special immigrant category, allowing another 30,000 to be admitted annually who do not meet the refugee definition.

"The Administration says it opposes the naming of countries and nationalities," said Morrison, "but we all know that the special immigrant legislation is intended to apply to only a few countries--the USSR and maybe Vietnam, where parole is being offered routinely. If we need special rules for special circumstances, let's write them down." He said that Congress frequently passes tax bills for single individuals or corporations. Just because the system was once racist, he said, doesn't make it discriminatory to single out specific groups.

Morrison said, "We can talk turkey about special immigrant legislation when we end the hypocrisy about what we are trying to do. I think we could solve the problems we're trying to solve if we talked honestly."

Jewish, Evangelical Christian, Groups Comment on Moscow Plan After a day of grueling criticism of the Administration's plan by members of Congress, private witnesses representing Jewish organizations seemed less combative towards the government's initiative.

Mark E. Talisman, director of the Washington Office of the Council of Jewish Federations, said, "Actual elements of the plan are very solid." Zukerman, of HIAS, agreed that the idea had merit, that it could save money and reduce time in transit.

But, said Zukerman, "Don't close down

what is working [i.e., Vienna-Rome processing] for something unproven, untested."

Zukerman pointed out several unresolved problems with the Moscow processing plan: 1) the current 46 percent rejection rate of Soviet Jews in Moscow; 2) the absence of a confidential place for applicants to tell their persecution stories; 3) the absence of a HIAS presence to represent and advise clients; 4) problems with secure data communications between the United States and the USSR; and 5) political and logistical difficulties in securing permission for staff to be stationed in Moscow.

Representatives of both HIAS and World Relief, a voluntary agency associated with the National Association of Evangelicals, said that they would be willing to establish offices in Moscow if they were permitted to do so.

Donald Hammond, director of USA Ministries, expressed deep reservations about the plan. He said that currently less than one percent of the applicants and would-be applicants in Moscow are Evangelical Christians, and would be forced to wait at the end of the line of new applicants after October 1. Therefore, he said, "the Administration cuts off the departure of virtually all Evangelical Christians from the USSR for the immediate future." Hammond said that the new policy represents a "callous disregard for the lives of a very vulnerable people," because it will force Evangelical Christians to wait for years to leave the Soviet Union. But, he said, "most Evangelical Christians believe glasnost is merely a breathing spell before an even more widespread repression against religious activity begins."

On the previous day, a private witness representing the Refugee Policy Group, Susan Forbes Martin, criticized the trend on Soviet refugee admissions from a different perspective. "With liberalization in a number of these countries [of Eastern Europe and the Soviet Union] as well as an opening up of legal emigration possibilities," she said, "the presumption of refugee status must be reexamined."

Forbes said that the rapid changes taking place in Poland, Hungary, and to a lesser extent, the Soviet Union "would argue for a close look at individual applicants to determine if they do fit the refugee definition."

Senate Hearing More Subdued The government witnesses had "kinder and gentler" treatment at the hands of the Senate refugee subcommittee.

Most of the Senate fireworks were directed towards the media, other members of Congress, and voluntary agencies from Sen. Alan S. Simpson (R-Wyo.).

He called presumptive refugee status "absurd," and blasted any adjudication system that does not look on a case-by-case basis at applicants or that tilts towards specific nationalities.

"I cannot support gimmicking the system for those who are not refugees or who could come under parole or as immigrants," he said. Simpson said that the United States should "stop diddling around with foreign policy refugees who are not internationally defined as refugees."

Reacting to the press response to Ambassador LaFontant's comment about the option of return to the Soviet Union, Simpson said, "For some Soviets, the choice between Israel and going back to the USSR exists. He cited conversations he had had with Soviet applicants who said they would rather stay than go to Israel. "If they would rather remain than go to Israel, that says something about the level of persecution," he said. "No other group of refugees on earth gets a choice of country of first asylum," he said. "We forget that."

When it comes to "diddling with the Refugee Act," Simpson said it is the "potent voluntary agencies who really know how to crank it up." He said this is especially true "where the rubber hits the road--on the question, does every emigre get full refugee benefits."

Simpson accused the voluntary agencies of "playing a duplicitous game" by "banging for increased [refugee admissions] numbers" after the budget is known in June and then "banging about the budget shortfall" in September when the increased numbers have inadequate funding.

Sen. Arlen Specter (R-Penn.) was the only Senator to take open exception to the Administration plan to move refugee processing to Moscow, saying that holding interviews there would have "a restricting and chilling effect on those filing their applications" there. Specter said that he thought 100,000 Soviet refugees should be admitted in FY 90, as opposed to the 50,000

Administration proposal. He pointedly said that his concern "crosses party lines."

Soviet Emigration Possible Partisan Political Issue Specter seemed, at least in part, to be reacting to a press conference the previous week in which some of the Democratic Party's biggest guns were drawn on behalf of a call for 100,000 Soviet and East European admissions in FY 90 "above and beyond the 1989 ceiling." The press conference featured House Majority Leader Richard A. Gephardt (D-Mo.) and Ronald H. Brown, chairman of the Democratic National Committee, among other party stalwarts.

Washington observers surmise that the Democratic Party may see an opportunity to score political points, especially with Jewish and East European ethnic constituencies, by taking a more expansive stance at a time when the Republican Administration is faced with increasing backlogs and financial constraints on processing additional refugee numbers.

Rep. William O. Lipinski (D-Ill.), who played a prominent role in the Democratic press conference, rose again on the House floor September 13 to say, "I would rather arrive at doing the right thing the right way. This should not become a partisan issue--but if that is the only way to have the right thing happen, so be it."

Meanwhile, in the Rest of the World... Both Sen. Edward M. Kennedy (D-Mass.), chairman of the Senate refugee subcommittee, and Morrison, his House counterpart, questioned government witnesses on the future of the Nicaraguan contras in Honduras and whether they would be considered as refugees for U.S. resettlement.

Eagleburger said that the primary U.S.

NATIONALITIES OF REFUGEES OF "SPECIAL HUMANITARIAN CONCERN TO THE U.S."

AFRICA	EAST ASIA	LATIN AMERICA AND THE CARIBBEAN
Angola	Cambodia	Cuba
Ethiopia	Laos	El Salvador
Lesotho	Vietnam	Guatemala
Malawi		Nicaragua
Mozambique	EASTERN EUROPE	
Namibia	Albania	
South Africa	Bulgaria	NEAR EAST/SOUTH ASIA
Zaire	Czechoslovakia	Afghanistan
	Hungary	Iran
	Poland	Iraq
	Romania	
	Soviet Union	

The Refugee Act of 1980 [Section 207(a)(3) of the Immigration and Nationality Act] specifies that "admissions...shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." The Presidential Determination allocates admission numbers for refugees of special humanitarian concern by region, not by nationality.

In an instruction to U.S. embassies abroad at the beginning of each fiscal year, the U.S. government designates the nationals of certain countries who can be processed automatically for refugee admission to the United States. Processing does not mean that such applicants will be approved; applications are adjudicated by INS on a case-by-case basis. Officers in the field are instructed to request from Washington an authorization to process any applications from persons of nationalities not on the list. For example, in FY 89, applicants from China, Burundi, Somalia, Libya, and Lebanon were processed, in addition to most of the nationalities on the above list.

Source: U.S. State Department/Bureau for Refugee Programs

objective is for their reintegration into Nicaragua. Failing that, he said, the second option would be for local integration elsewhere in the region. Resettlement in the United States was considered the third option.

Ambassador Lyman said that 500, at most, of the 3,500 refugee numbers would be for Nicaraguans. The remaining 3,000 places are reserved for Cubans.

On Southeast Asian admissions, Morrison said that the Orderly Departure Program had previously admitted some Vietnamese as refugees who did not qualify as refugees but who had been swept up in the letters-of-introduction process. He asked, beyond the 15,000 Amerasians and their families this year, what groups would be included within the ODP ceiling of 26,500. Lyman said that the remainder would all be refugees, primarily former reeducation camp prisoners, with emphasis given to family reunification cases.

Lyman also said that beyond the ODP program, another 20,000 to 25,000 Vietnamese were expected to enter the United States as immigrants or through parole. Lyman said that people are offered parole who do not meet the refugee standard and do not qualify as immigrants, but was not able to provide details on this population.

Morrison asked, "Why do we have a parole program for Vietnam as opposed to anywhere else for people who are neither qualified immigrants nor refugees under the refugee definition?"

On Eastern Europe, the Administration called for 6,500 refugee admissions places for FY 90. It was reported in the course of the consultations that about 4,000 INS-approved refugees from Eastern Europe--half of whom are Poles--are still awaiting visa numbers in FY 89. It was also reported that expected refugee admissions for FY 89 for the Eastern Europe/Soviet Union region would fall short of the ceiling by about 5,000 places. Morrison asked why we weren't assigning the additional visa numbers that are available now to the 4,000 approved individuals.

Lyman said that the United States did not now have the logistical capability to move them here before the September 30 end of the fiscal year.

Morrison said that the shortfall in Soviet processing was known to HIAS in the beginning of August, which was sufficient time to reallocate numbers within the region to INS-approved Eastern Europeans. He said that he couldn't understand why "we waste 5,000 slots" when we just upped the number for the region in emergency consultations in June.

Hardly any of the consultations questioning was directed to refugees from the Near East/South Asia (6,500 admissions places requested; more than nine million refugees in the region, nearly two-thirds of the world's total) and Africa (3,000 admissions numbers requested; more than four million refugees, nearly 30 percent of the world's total).

Private Witnesses Although the Senate invited no nongovernmental witnesses to testify, private witnesses provided a day of testimony to the House subcommittee before the consultations with the Administration began.

Representatives from four voluntary resettlement agencies expressed what one termed "disappointment" in the government's proposed admissions ceiling for FY 90.

Testifying on behalf of the umbrella group, InterAction, Donald Larsen, executive director of Lutheran Immigration and Refugee Service, called the 125,000 admissions places "about 25,000 fewer than what is needed."

InterAction proposed an alternate worldwide ceiling of 140,500, including 20,000 from Eastern Europe, 5,000 each for Africa and Latin America, and 10,000 for the Near East/South Asia.

Zukerman of HIAS termed the 50,000 admission slots for Soviets "insufficient" and suggested 6,000 additional places. He proposed a Soviet breakdown of 40,000 Jews, 14,000 Evangelical Christians, 1,000 Armenians, and 1,000 other persecuted minorities.

Monsignor Nicholas DiMarzio, executive director of Migration and Refugee Services for the U.S. Catholic Conference, proposed a comprehensive plan for Polish nationals in Western Europe under which the United States would maintain FY 89 levels of refugee admissions, but would also cooperate with the Catholic Church, Solidarity, the UN High Commissioner for Refugees, and the government of Poland for "Project Return," a program of voluntary repatriation of

Polish asylum seekers.

DiMarzio also urged the United States to process as refugees shorter term political prisoners in Cuba and persons who have been imprisoned as a result of unsuccessful attempts to flee the country.

DiMarzio noted, "It is difficult to discuss the recent increase in Cuban illegal arrivals without noting the disparity between the treatment of Cubans and Haitians." He recommended that the United States create a program to process Haitian claims directly through the U.S. mission in Haiti, an idea that Morrison later raised with government witnesses.

Robert DeVecchi, executive director of the International Rescue Committee, focused his testimony on the situation of Vietnamese refugees following the adoption of a Comprehensive Plan of Action in Geneva last June (see Refugee Reports, Vol. X, No. 7) and on the status of Cambodians at the Thai-Cambodian border in light of the failed Paris Conference.

DeVecchi said that the United States should announce its intention to resettle at least 10,000 Vietnamese "longstayers" in FY 90 and to accept all previously rejected Vietnamese boat people with close family ties to the United States. DeVecchi also called for a renewed effort to obtain the release from the Thai-Cambodian border of several hundred Khmer families who could come to the United States as immigrants or parolees because of family connections in this country.

Declining Federal Support for Domestic Refugee Program Cited Larsen criticized the refugee program for being "driven by budgetary concerns." He called for more realistic projections of resettlement needs to "avoid changing direction in priorities and allocation of resources mid-stream during the fiscal year."

Larsen said, "It is ironic that a federal program of this magnitude which, by definition and design, is supposed to be responsive to emergency refugee situations around the globe, is by terms of the Gramm-Rudman-Hollings Balancing Act defined as discretionary and not exempt from the axes of the Office of Management and Budget."

Larsen also warned that the sharp decline in federal funding for the domestic side of refugee resettlement threatens the partnership of the federal government with state and local governments as well as the private sector. "Unless the recent trends of shifting more and more of the financial responsibility to state and local governments is reversed or forestalled," Larsen said, "we foresee that there might be a backlash of anti-refugee sentiments in some local communities that see themselves as inappropriately burdened by new arrivals."

His sentiments were echoed by Oregon State Refugee Coordinator Ron Spendal, representing the National Governors' Association. Based on a conservative estimate of 116,500 refugee admissions for FY 90, Spendal estimated that $579.6 million would be needed to continue the level of programs currently being provided to refugees. But, he pointed out, the Administration budget only proposes $242.3 million.

Spendal said that we may find ourselves "rescuing refugees from an undesirable and potentially life-threatening situation abroad, but abandoning them to a life as second-class residents in this country."

Overseas Assistance: The Silent Side of the Refugee Budget Roger Winter, director of the U.S. Committee for Refugees, spoke about the declining standards for refugee assistance in refugee camps worldwide. He attributed this deterioration, in part, to declining financial commitments from the United States.

Winter said that about half of the U.S. refugee dollars are spent to resettle less than one percent of the world's refugees. "As long as adequate additional resources are not forthcoming," he said, "the trend toward investing resources in resettlement is crippling, even killing, innocent civilians left behind in the refugee camps of the world."

Recent Developments

HONG KONG REFUGEE POPULATION RUNNING OUT OF TIME AND SPACE

Despite the talk of imminent forced repatriation, the overcrowding and squalid living conditions, increasing violence within the camps and hostility without, a sluggish and still-suspect screening program, and pros-

"THE WORST ACCOMMODATION THAT HONG KONG HAS EVER PROVIDED FOR REFUGEES"

The following is taken from a letter to the South China Morning Post written by Chris Bale, director of Oxfam Hong Kong, describing a visit in late July to two of the new detention camps.

Saturday was a cold day and the rain was driving in from the sea. People were huddled together under sheets of canvas or even cotton sheets, trying to keep warm and dry.

Most have been at Tai A Chau for a few weeks and have not been given a single hot meal during that time. They survive on a monotonous diet of dry biscuits, canned food, and peanuts. An orange once a week is the only fresh fruit.

Fresh water is a major problem.... There are no toilets, and so the beach is dotted with human feces. The only place to wash is in the sea.

We went from Tai A Chau to the five ferries at Stonecutters Island, which house more than 2,000 people. The ferries were in a disgusting state. I saw one small boy sleeping on a lower deck, his head just a couple of feet from an overflowing toilet. There was rubbish everywhere, and the air was stagnant.

Of course, the recent influx of boat people has placed a tremendous strain on Hong Kong.... But while understanding these pressures, we should also recognize that the makeshift shelters at Tai A Chau and the filthy ferries are not fit for human habitation. They are the worst accommodation that Hong Kong has ever provided for refugees.

The Government hopes to clear the ferries, the tented camps, and Tai A Chau by the end of the year, as new places come onstream at Whitehead. We urge that this transfer be completed as soon as possible.

The thought of leaving mothers and young children out on the bleak shores of Tai A Chau when the weather turns cold is frankly horrific.

pects for resettlement that are at best remote, Vietnamese boat people continue to pour into Hong Kong. In a four-month period from May through August, more than 28,000 arrived, nearly doubling the Vietnamese population.

There are currently 55,347 Vietnamese asylum seekers in Hong Kong, of whom 42,045 arrived after the government instituted refugee screening procedures on June 16, 1988. More than 61,000 Vietnamese reached asylum countries in Southeast Asia in the first eight months of 1989, the highest figures since 1981, according to the UN High Commissioner for Refugees (UNHCR).

Already pressed for space, the Hong Kong government responded by housing new arrivals on outlying islands, harbor ferries, and even the landing strip of a military airfield. In their search for new locations, the authorities encountered increasingly vocal, and sometimes hostile, opposition from Hong Kong residents.

Tensions inside the Vietnamese camps, meanwhile, were also rising, particularly when Hong Kong newspapers reported in July that Britain and Vietnam were nearing agreement on arrangements for the forced return of about 22 people already screened out as nonrefugees. Although one official called the announcement "premature", neither Hong Kong or Britain has attempted to hide its keen interest in returning Vietnamese boat people, voluntarily or otherwise.

Following a visit to the camps in mid-June, Nina Hale, deputy director of Refugees International (RI), had predicted that "things could really get out of hand." The hunger strikes that Vietnamese had staged in several of the camps, she said, "are just beginning."

On the evening of July 31, fighting broke out between rival Vietnamese factions in Shamshuipo detention center. Before 160 riot police intervened, eight people had been injured, including three young boys.

Less than one month later, on August 27, more than 1,000 northern and southern Vietnamese attacked one another on the island of Tai A Chau. This time, 350 riot police were called in, following a night of robberies, assaults, and five reported rapes.

Then, on Saturday, September 2, a Vietnamese man was killed and 11 others injured as violence erupted in Sek Kong detention center, a tent city of more than 7,000

Of the 13,500 Vietnamese who arrived in Hong Kong before June 16, 1988, more than 5,000 are children under 18. Over 1,000 have spent their entire life in refugee camps. UNHCR

people, pitched on a British Air Force runway.

"What's happening inside these camps is a total breakdown of order," a relief worker told The New York Times. "Normal controls are gone. Parents do not even control their children. People are hopeless and frightened. Tempers are frayed."

Hong Kong Needs "Quick Fix" of Long-Stayer Resettlement The mood of crisis in the camps and throughout Hong Kong adds considerably to the pressure for immediate forced repatriation, a senior Joint Voluntary Agency official in the region told Refugee Reports, and threatens to derail the Comprehensive Plan of Action (CPA) agreed to in Geneva in June before the plan even gets on track. To allay that pressure, the official said, the United States "should be more forthcoming on resettlement and put the focus back on screening in the region. We need to get back to the point of the CPA. Forced return at this point was not what we agreed to."

Under the terms of the Geneva plan, resettlement countries agreed to admit all 55,000 of the "longstayers", who have lived in Southeast Asian refugee camps for three years or more. Of this number, the United States committed to resettle 22,000 within a three-year period.

Despite these commitments, the official said, "very little is happening to put a comprehensive resettlement plan into action." He urged support for a four-point proposal made by UNHCR at a July meeting of the CPA steering committee. According to the official, UNHCR proposed that:

1) Rather than spread out the resettlement of long-stayers evenly over three years, resettlement countries should take 50 percent of the total in the first year, 30 percent in the second, and 15 percent in the third.

2) Refugees who have lived in the camps longest should be resettled first.

3) Long-stayers should be accorded virtually presumptive refugee status.

4) Resettlement numbers should be allocated to the first-asylum countries proportionally to their population of long-stayers.

In order to get the CPA back on track in short order, the official said, "Hong Kong needs a quick fix." He proposed moving all 13,000 Vietnamese who entered Hong Kong prior to June 16, 1988 to the Philippine Refugee Processing Center in Bataan, where they would gradually be processed for resettlement in other countries.

Screening and Voluntary Repatriation Offer

Small Signs of Hope In the first year since Hong Kong instituted refugee screening procedures for new Vietnamese boat arrivals last June 16, the program has been criticized by a wide range of human rights groups and refugee organizations, including UNHCR. Critics pointed to its low approval rates (out of 2,394 people interviewed, only 289 have been screened in), inadequate training of interviewers and translators, lack of a meaningful appeals process, inordinate delays, and a host of other problems.

In late May, the Hong Kong government spent about $1.2 million to revise its screening procedures. Among other changes, it created four refugee status review boards comprising representatives from the civil service and the private sector to consider appeals made by those initially rejected for refugee status. As of late August, 99 of the first 519 Vietnamese considered by the newly established boards won their appeals.

It is expected that the review boards eventually will be able to process 400 appeals cases per week, but they are nowhere near that rate yet and, with weekly arrivals averaging four times that amount since April, long delays are still likely.

UNHCR has also carried out training for immigration officials responsible for interviewing refugees. While the results have not been dramatic, Kalu Kalumiya, a UNHCR refugee protection specialist sent to Hong Kong to coordinate the training, said, "I think we have been able to persuade some of the officers that it is better to screen in a nonrefugee than to screen out a bona fide refugee." In July, refugee screening approval rates doubled from 10 percent to about 20 percent.

"My sense is the Hong Kong government is trying" to improve the screening program, said RI's Hale. "They have made some positive efforts. They are processing more people than before. UNHCR has done some training, and there are some improvements in the appeals process." She cautioned, however, that "basic problems remain the same," particularly the "interpretation gap." Questions in the interview are first asked in Cantonese, then translated into Vietnamese; the process is reversed for the answer. "It's very easy for critical information to get misinterpreted or lost," Hale said, especially when interpreters encounter unfamiliar northern Vietnamese dialects.

Hong Kong government and relief agency officials, meanwhile, express cautious optimism at the gradual increase in the number of Vietnamese willing to return home. As of September, 264 people had returned to Vietnam voluntarily, and another 1,000 in Hong Kong had indicated an interest in going back, according to State Department officials.

Robert Van Leeuwen, head of the UNHCR delegation in Hong Kong, has called for patience on everyone's part to give voluntary repatriation a chance to work. After all, he said, "these people come from a history of 14 years during which, when [their countrymen] left Vietnam on boats, they were received by countries of first asylum and more or less automatically resettled in third countries." It will take some time to adjust those expectations.

Update

° A total of 6,470 Jews left the Soviet Union in August, of whom 850, or 13.1 percent, went to Israel, according to the September 1 Jerusalem Post. Another 1,700 Christians exited the Soviet Union on Israeli visas. The number of emigrants was the highest in ten years, according to Jewish Agency officials.

° More than 800 East Germans are arriving in West Germany per day, the West German Foreign Ministry reported on September 21. In the previous ten days, 17,500 East Germans had transited to West Germany through Hungary.

° As of August 14, some 279,000 ethnic Turks have fled Bulgaria in the past three months, according to the Washington Post. After Bulgaria expelled a first wave of its ethnic Turkish citizens as part of a five-year assimilation campaign, most of the remainder have fled on their own, as many as 4,000 a day crossing into neighboring Turkey. According to the Post, Turkey had made no request for international financial help, although it said it was prepared to offer asylum to all of the estimated 1.5 million ethnic Turks in Bulgaria.

° Former President Jimmy Carter announced on September 18 that he had succeeded in forging an agreement between Sandinista leaders and Nicaragua's Atlantic Coast Miskito Indians for their repatriation after years of exile in Honduras.

The move was seen as one of a series of reforms leading up to the scheduled Nicaraguan elections in February. After meeting with Carter, Sandinista government officials dropped earlier conditions for the return of Miskito leaders. They now must only agree to renounce armed struggle and illegal activities against the Nicaraguan government, the same conditions required of returning Contra leaders.

On a less promising note, contra leaders postponed a visit from UN and OAS observers September 16 to oversee demobilization of their camps in Honduras. Observers doubt that the contras will demobilize by December 8, the date called for in the Tela Agreement, signed by five Central American presidents.

° Japan announced on September 11 that it would deport more than 600 Chinese who reportedly misrepresented themselves as refugees from Vietnam. The Japanese government said that it would continue to accept boat refugees from Vietnam, but termed as "economic migrants" those fleeing from China. Japanese officials were cited by the New York Times as saying that those being deported were either mainland Chinese or ethnic Chinese from Indochina who took asylum in China in recent years. The Times said that the deportees "seem certain to face punishment once they return to China." It also said that the deportation plan was supported by the UN High Commissioner for Refugees.

Reader Exchange

° The Immigration and Naturalization Service has set up a national toll-free number for legalization applicants seeking information on where to enroll in courses of study to satisfy the English and civics requirements for lawful permanent residence.

The hotline number, 1-800-842-2924, will serve callers in Spanish as well as English.

° Refugee Processing Caseworker. The American Council for Nationalities Service seeks an individual to be responsible for the tracking and travel of over 5,000 refugee clients annually from overseas posts to 28 resettlement sites throughout the United States The person will serve as casework liaison between local affiliates and overseas posts; maintain records of refugee arrivals; handle billing for refugee arrivals; and be responsible for formulation of projections of refugee arrivals. Experience in refugee processing, knowledge of computer applications, and strong organizational skills are required. Send letter and resume to Gerald Brown, Director of Refugee Services, ACNS, 95 Madison Avenue, New York, NY, 10016. (212) 532-5858.

Current Research

WHY NATIONS CLOSE THEIR BORDERS

This year's exodus of humanity from the Soviet Union and Eastern Europe and the visible groping for an appropriate response this month by members of Congress and the Administration calls to mind a book published in 1987 when the wall separating Western and Eastern Europe indeed looked more like an Iron Curtain than it does today.

Closed Borders: The Contemporary Assault on Freedom of Movement explores the reasons why governments close their borders to emigration. The author, Alan Dowty, a professor of political science at Notre Dame, makes telling observations about the political psychology of governments that attempt to prevent free movement.

Dowty points out, for example, the seeming anomaly that the very governments who prevent people from leaving are the same ones who expel others. Bulgaria's recent policies are anticipated by Dowty's observation that the thinking of such governments is: "If we want you, you must remain; if we don't want you, you must leave." Dowty says, "The decision hinges on the individual's usefulness to the state; personal interests and predilections count for little. Both the right to leave and the right to remain are swept aside by the claims of the

state."

Freedom of movement pits individual will against state power. Dowty finds that bars to emigration are most often associated with governments promoting collectivist ideologies. "According to the collectivist ethic," he writes, "the burden is on individuals to demonstrate why they should be allowed to leave, rather than the state to show why they should not." Dowty says that the reasoning of such societies is that "the whole is better served if individuals are compelled to remain a part of it."

Dowty surveys the emigration policies of the world's governments to make his point. In looking at the 21 most restrictive regimes in the world, Dowty observes, "the most obvious common denominator [is] not the level of economic development, nor the threatened loss of talent, but the nature of the regime. All 21 are ideologically doctrinaire one-party states, and, except for Burma, Iraq, and Somalia, define themselves as Marxist-Leninist."

Among the ten countries that have produced the most refugees in recent years, Dowty finds that five--Afghanistan, Ethiopia, Angola, Vietnam, and Cambodia--were rated in the most restrictive category in curtailing emigration.

Dowty discussed the tension among Soviet policymakers about options for dealing with Jews and other discontented minorities. He noted that "it is hard to conceive of a genuine collective Soviet interest that is credibly served by maintaining a sealed border." On the eve of the Gorbachev era, Dowty observed, "The Soviets are surely past the point where they need fear an anti-Soviet community in exile, or a serious brain drain to their intellectual resources. The closer one looks, the more it appears that hostility to emigration is linked not to concrete interest but to ideological reflexes, obsessive habits of tight control, and the traditional Russian suspicion of the outside world."

At one point, Dowty suggests that Soviet policy might owe more to centuries-old traditions and attitudes than to Marxist ideology. "In some ways," he writes, "the Soviet leadership has simply extended pre-Soviet practices on controlled mobility, combining a quasi-medieval Tsarist view of human movement with twentieth-century means of enforcement."

The Right to Leave: The Last Line of Defense for Human Rights Not surprisingly, Dowty comes down on the side of more open borders. He contends that the denial of the right to flee is the most fundamental deprivation save the loss of life itself, "for it eliminates the means to escape all other forms of persecution and injustice."

He calls the right to leave the "last line of defense in the realization of other rights."

On the other hand, open borders force governments to be more accountable to the wishes of their citizens. "A regime concerned about emigration will tend to be more responsive to the welfare and wishes of its citizens," Dowty observes. "By the same token, if a government simply forecloses emigration, it loses an important index of social discontent."

Closed Borders is published by the Yale University Press and is listed at $12.95 in paperback, $27.50 hardcover. To order directly from Yale University Press, call (203) 432-0940. A $2 shipping charge will be added.

Resources

MANUAL ASSESSES OPTIONS FOR CHINESE IN THE UNITED STATES

Chinese nationals wishing to delay their return to their homeland as a result of political conditions there will have a better understanding of their legal options thanks to a recently published manual from the Lawyers Committee for Human Rights.

Manual on Gaining Immigration Status for Chinese Nationals in the United States discusses various options, including the extension of current nonimmigrant visas, change of nonimmigrant status, eligibility for adjustment of status to permanent resident, and asylum. The manual also looks at the Administration's "deferred departure" program, as well as congressional initiatives (see Refugee Reports, Vol. X, No. 7). Appendices include relevant INS forms and cables.

The task of the manual is complicated because policies regarding Chinese nationals are not set in stone. Legislation is still pending that could change U.S. policies.

The manual says, "Predictions as to the final shape of such legislation at this moment are hazardous, but the possibility of such legislation is yet another reason for investigating all avenues to maintaining legal status."

At the same time, new directives are still being issued by the INS. On August 30, the INS issued a cable from the Acting Commissioner to all field offices saying, "When applying for deferred departure, a PRC national is not required to sign a statement declaring reluctance to repatriate." This is a departure from the June 7, 1989 INS policy statement (included as an appendix to the manual) that says, "Service action to enforce departure to the PRC shall not be taken prior to June 5, 1990, of PRC nationals who indicate an unwillingness to return to the PRC at the present time."

The Lawyers Committee manual is available for $10 from the Lawyers Committee for Human Rights, 330 Seventh Ave., New York, NY 10001. (212) 629-6170.

NEW BOOK RECOUNTS HISTORY OF VIETNAMESE DISPLACED PERSONS AND WAR VICTIMS

In the violent conflicts that wracked Vietnam from 1954 to 1975, more than 12 million civilians, over half the population, were displaced in South Vietnam and an enormous number were dislocated in the north as well, according to a new book by Louis Wiesner, a retired Foreign Service officer and an authority on international refugee assistance.

Wiesner sees the displacement of Vietnamese in this 19-year period as historically unique in several ways. "First, the sheer magnitude and duration of the displacements, which forced many away from their homes permanently, were unusual. This alone changed the social structure of South Viet-Nam and altered its history. Second, the United States was involved more closely and for a longer time in both the displacements and the relief of the dislocated people than it has been in any other part of the world. Third, several different systems of humanitarian assistance were developed within the country and were modified and adjusted over time."

Wiesner recounts the exodus in 1954-55 of more than 900,000 northerners, most of them Catholics, to the south, following the July 1954 Geneva agreements giving North Vietnam to the communist Viet-Minh. During the same period, "about 90,000 armed Viet-Minh and 40,000 dependents were transported north by Polish and Soviet ships," Wiesner writes. "10,000 of the regroupees were highlanders and about 10,000 were children."

Tracing the subsequent ebb and flow of refugees and evacuees in South Vietnam, Wiesner examines the reasons for displacement of particular populations, as well as the evolution of relief and reintegration programs and policies. He also looks at "the ways in which the dislocated and traumatized people adjusted or failed to adjust...and the effects of the dislocations upon their attitudes and actions toward the conflicting parties."

Wiesner separates the refugees and evacuees in the south into five major groups: refugees from the north, southern refugees from communism, refugees from the war (by far the largest group), people forcibly relocated by the Government of South Vietnam, and regrouped Montagnards.

Victims and Survivors: Displaced Persons and Other War Victims in Viet-Nam, 1954-1975 is available for $55.00 from Greenwood Press, 88 Post Road West, Box 5007, Westport, CT 06881. (203) 226-3571.

HELSINKI WATCH REPORTS ON POLAND

Although the political triumph of Solidarity in Poland and the drop in the number of political prisoners in that country are clear indications of the improvement of human rights, Polish asylum seekers insist that they still fear persecution there.

Violations of the Helsinki Accords: Poland by Helsinki Watch supports the view that persecution continues, albeit more subtly than before. "Instead of imprisoning its opponents--the main form of government repression in the past--the government now uses economic penalties, such as heavy fines and confiscations of property," says the December 1988 report. "In addition, there has been a dramatic increase in police brutality, as illustrated by the beating of young people involved in peaceful demonstrations."

The 77-page report is available for $8 from Human Rights Watch, 36 W. 44th St., New York, NY 10036. (212) 840-9460.

FY 90 PROPOSED REFUGEE ADMISSIONS--COMMUNIST VERSUS NONCOMMUNIST ORIGIN

	Communist	Noncommunist	Uncertain
East Asia	51,500	-	-
Soviet Union	50,000	-	-
Eastern Europe	6,500	-	-
Near East/S. Asia	2,000 (Afghan)	4,000 (Iranian)	500 (Other)
Latin America	3,000 (Cuban)	-	500 (Other*)
Africa	2,000 (Ethiopian)	-	1,000 (Other)
Unallocated	-	-	4,000**
	115,000	4,000	6,000

* According to FY 89 figures, through June, non-Cuban admissions are overwhelmingly from Marxist Nicaragua--210 from Nicaragua; 2 from El Salvador.

** According to FY 89 figure, through June, unallocated numbers went exclusively to Cubans, as part of the Private Sector Initiative.

Editor's Note: Projected refugee admissions for FY 90 are likely to be more than 96 percent from communist or communist-dominated countries. The lowest possibility would be 91 percent (assuming all "other" numbers from Latin America, Africa, the Near East/South Asia, and Unallocated would go to noncommunist countries); the highest, (assuming the opposite, which is closer to actual FY 89 admissions), would be 97 percent.

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